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Governor

Robert B. Pinkert, O.D.
President

Christina M. Sorenson, O.D.
Vice President



Arizona State Board of Optometry
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Executive Director

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FINAL MINUTES FOR REGULAR SESSION MEETING: OCTOBER 21, 2005

Board Members

Robert B. Pinkert, O.D., President
Christina M. Sorenson, O.D., Vice-President
Caroline Griego, O.D.
Robert J. Maynard, O.D.
Lawrence Ponemon, PhD
Curtis R. Winkler, M.D.

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Dawn Walton Lee, Assistant Attorney General

A. CALL TO ORDER:

Dr. Pinkert called the meeting to order at 9:00 a.m.

B. ROLL CALL:

Board Members Present: Robert B. Pinkert, O.D., President
Christina M. Sorenson, O.D., Vice President
Robert J. Maynard, O.D.
Caroline Griego, O.D.
Curtis Winkler, M.D.

Board Members Absent: Lawrence Ponemon, PhD

Legal Counsel Present: Dawn Walton Lee, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT:

None

D. INFORMAL INTERVIEW:

1. ASBOO vs. Jerry R. Burger, O.D. IR#200448

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometry practice act.

Board went into executive session at 9:30 a.m.

Board reconvened regular session at 9:40 a.m.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3				X	X	X
NO	2	X	X				
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passed 3-2. Drs. Griego and Maynard voted no.

E. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE AND TERMINATION OF PROBATIONARY ORDER:

2. Jerry Burger, O.D. IR#200428

Dr. Pinkert summarized the request and recommended the probationary order continue as ordered.

MOTION: Dr. Maynard moved to continue probationary term as written. Dr. Griego seconded the motion.

VOTE: Motion passed 5-0.

F. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING LATE REQUEST FOR APPEAL OF CASE IR#200445:

3. ASBOO vs. Neha V. Amin, O.D. IR#200445

Dr. Pinkert summarized the request and recommended the Board deny the request for late appeal.

MOTION: Dr. Griego moved to deny the request for a late appeal as the appeal time-frame has expired pursuant to A.A.C. R4-21-308. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passed 5-0.

G. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PROBATIONARY ORDERS:

4. Vincent Sanchez, O.D. IR#200422

Dr. Pinkert reported on the status of Dr. Sanchez and recommended the Board approve the amendment to frequency of office visits per the order.

MOTION: Dr. Sorenson moved to approve the change in frequency of office visits. Dr. Maynard seconded the motion.

VOTE: Motion passed 5-0.

H. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

5. G.W. vs. Kevin Russell, O.D. IR#200515

Dr. Winkler summarized the case and recommended the Board issue a consent agreement for violation of the optometric practice act. The recommended consent agreement is to include a 30-day suspension of license, civil penalty of \$1000, a probationary term of one year to include 10 hours of Glaucoma continuing education above and beyond the required 16 hours per year.

MOTION: Dr. Winkler moved to issue a consent agreement with a 30-day suspension of license, civil penalty of \$1000 and a probationary term of one year to include 10 hours of Glaucoma continuing education above and beyond the required 16 hours per year for violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X	X	
NO	0						
ABSTAIN	0						
ABSENT	2			X			X

VOTE: Motion passes 4-0.

6. M.A. vs. Daniel Lieu, O.D.

IR#200516

Dr. Sorenson summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0.

7. S.F. vs. John Schrolucke, O.D.

IR#200517

Dr. Maynard summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act and open a new complaint for failure to maintain adequate records.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0.

MOTION: Dr. Maynard moved open a new complaint for failure to maintain adequate records. Dr. Sorenson seconded the motion.

VOTE: Motion passes 5-0.

8. ASBOO vs. Stuart Adams, O.D.

IR#200518

Dr. Sorenson summarized the case and recommended the Board table to obtain a signed, notarized letter from Dr. Adams' staff member stating they are the one who ordered the medication.

MOTION: Dr. Sorenson moved to table to next regularly scheduled Board meeting in order to obtain a signed affidavit from Dr. Adams' staff member who ordered the medication. Dr. Maynard seconded the motion.

VOTE: Motion passes 5-0.

9. M.D. and E.D. vs. Michael Pittelli, O.D. IR#200601

Dr. Griego summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0.

10. M.D. and E.D. vs. Thomas Sowash, O.D. IR#200601

Dr. Griego summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0.

11. Y.K. vs. Jeffrey Martin, O.D. IR#200602

Dr. Winkler summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X	X	
NO	0						
ABSTAIN	0						
ABSENT	2			X			X

VOTE: Motion passes 4-0.

12. E.F. vs. Shirley Lambert, O.D. IR#200603

Dr. Winkler summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X	X	
NO	0						
ABSTAIN	0						
ABSENT	2			X			X

VOTE: Motion passes 4-0.

13. A.W. vs. Lawrence Stern, O.D. IR#200604

Dr. Maynard summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act. He also recommended the Board open a new investigation for recordkeeping issues.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0.

SECOND MOTION: Dr. Maynard moved to open a new complaint for possible violation of recordkeeping to include both practice locations. Dr. Sorenson seconded the motion.

VOTE: Motion passes 3-2. Drs. Pinkert and Winkler voted no.

14. M.R. vs. Susan Horeak, O.D. IR#200605

Dr. Griego summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X	X	
NO	0						
ABSTAIN	0						
ABSENT	2			X			X

VOTE: Motion passes 4-0.

15. J.L. vs. Lawrence Stern, O.D. IR#200606

Dr. Pinkert summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.

YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0.

16. K.N. vs. Lynne Noon, O.D. IR#200609

Dr. Winkler summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X	X	
NO	0						
ABSTAIN	0						
ABSENT	2			X			X

VOTE: Motion passes 4-0.

I. REVIEW, DISCUSSION AND POSSIBLE VOTE ON INVESTIGATIVE PROCESS AND ASSIGNMENT OF COMPLAINTS

Ms. Lee addressed the Board regarding handling of complaints.

J. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

- 17. Aleshina, Svetlana
- 18. Ho, Alina
- 19. Ma, Phuoc
- 20. Powell, James
- 21. Stella-Grandi, Karen
- 22. Wybrow, Mason

MOTION: Dr. Maynard moved to approve tabs 17-22 for licensure. Dr. Griego seconded the motion.

VOTE: The motion passed 5-0.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING ENDORSEMENT APPLICATIONS:

- 23. Muller, Dennis

MOTION: Dr. Pinkert moved to approve tab 23 upon receipt of the National Practitioner Data Bank report. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0

24. Jeter, Ronald

MOTION: Dr. Pinkert moved to table tab 24 to next regularly scheduled Board meeting to await receipt of required DPS/FBI fingerprint report. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0

L. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704 (D) and A.A.C. R4-21-208.

Fiscal Year 2005/2006

	Continuing Education	Date	No. of hours requested
a.	Central Arizona Optometric Assoc.-Various Lectures	9/20/05	3 Regular
b.	Vision Rehab & Tech. Expo Committee-Low Vision Rehab & Technology	11/18/05	7.5 Regular
c.	Southern AZ VA Healthcare-Posterior Segment Disease: lecture & patient presentation/discussion	3/31/05	2 Regular
d.	Southern AZ VA Healthcare-Hepatitis C: Overview & Ocular Side Effects	9/16/05	2 Regular
e.	Southern AZ VA Healthcare-Blind Rehabilitation and Low Vision Care: Clinical Conference & Science Course	6/16/05	3 Regular
f.	Arizona Optometric Assoc.-Diagnosis and Management of Acquired Diplopia	9/29/05	2 Regular
g.	Horizon Laservision Center-Multifocal IOLs	10/11/05	2 Regular
h.	Mayo Clinic College of Medicine-Ethical Issue in Medicine, Professionalism, Palliative Care, End of Life	10/17/05	1 Regular

MOTION: Dr. Maynard moved to accept tabs a through h excluding tab f. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

MOTION: Dr. Maynard moved to accept tab f. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0. Dr. Pinkert recused.

M. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REQUEST FROM THE COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION (COPE) FOR APPROVAL OF COURSE REVIEWER

25. COPE Letter dated August 9, 2005

MOTION: Dr. Sorenson moved to table tab 25 until the next regularly scheduled Board meeting, and directed staff to obtain a Curriculum Vitae on Dr. Fred Fisch prior to the Board approving him as a COPE reviewer. Dr. Griego seconded the motion.

VOTE: Motion passes 4-0. Dr. Sorenson is absent.

N. REVIEW, DISCUSSION AND POSSIBLE VOTE ON POLICY SUPPORTING A.A.C. R4-21-501

26. Policy for R4-21-501 regarding the Executive Director's role in issuing licenses.

Board directed staff to have a conference call for approval of licenses between regularly scheduled meetings, if necessary, as the Board is the only entity that should issue licenses.

O. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

- 27. July 15, 2005 Regular Session Meeting Minutes
- 28. July 15, 2005 Executive Session Meeting Minutes
- 29. April 15, 2005 Executive Session Meeting Minutes

MOTION: Dr. Maynard moved to approve tab 27-29 of the minutes as written. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0. Dr. Sorenson is absent.

P. EXECUTIVE DIRECTOR'S REPORT:

- 30. Applications approved pursuant to R4-21-501
- 31. Online Renewals
- 32. Welcome to Paula Hollins, Licensing Administrator

Ms. Whelan reported on tabs 30-32 inclusive.

Q. CALL TO PUBLIC:

Dr. Pinkert made a call to the public at 11:25 a.m. No one was present to address the Board.

Dr. Maynard moved to adjourn the meeting. Dr. Pinkert seconded the motion. Meeting adjourned at 11:25 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date